

## **GUSTAFSON GLUEK PLLC**

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December 14, 2009

## **VIA EMAIL AND U.S. MAIL**

Andrew S. Marovitz MAYER BROWN LLP 71 South Wacker Drive Chicago, IL 60606

Re: Cliffstar Corp. v. Ajinomoto Company, Inc., et al.

Civil No. 2:09-cv-3867-LLD

## Dear Andrew:

By letter dated September 3, 2009, Plaintiffs requested that your clients accept service of the complaint filed in the above-referenced matter and waive formal service of the related summons. To date, your clients have not granted that request. As you are aware, pursuant to Fed. R. Civ. P. 4(d)(1), your clients – as corporations subject to service under Fed. R. Civ. P. 4(e) or (h) – "ha[ve] a duty to avoid unnecessary expenses of serving the summons."

As you know as counsel for some of the defendants, the *Cliffstar* complaint involves many of the same claims, facts, issues, parties and attorneys as the still-pending *In re Aspartame Antitrust Litig*. matter (which is before a Third Circuit mediator). "Avoiding unnecessary expense" at the very least means accepting service when there is no question that Plaintiffs can serve your clients utilizing more expensive and time consuming methods. By this letter, we again ask that you accept and waive service promptly as the Rules contemplate.

Page 2 December 14, 2009

We appreciate your prompt cooperation in this regard. We look forward to hearing from you on this issue no later than December 21, 2009.

Sincerely,

**GUSTAFSON GLUEK PLLC** 

Daniel E. Gustafson

DEG/bw